

**MINUTES
LAKE COUNTY ZONING BOARD
AUGUST 1, 2007**

The Lake County Zoning Board met on Wednesday, August 1, 2007 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, August 28, 2007 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
Phyllis Patten	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Members Not Present:

James Gardner, Secretary	District 3
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Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management
R. Wayne Bennett, AICP, Planning Director, Planning and Community Design Division
Brian Sheahan, AICP, Chief Planner, Planning and Community Design Division
Alfredo Massa, Chief Planner, Planning and Community Design Division
Rick Hartenstein, Senior Planner, Planning and Community Design Division
Karen Ginsberg, Senior Planner, Planning and Community Design Division
Karen Rosick, Planner, Planning and Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Ashley Sneed, Part-time Intern, Planning and Community Design Division
Ross Pluta, Engineer III, Engineering Division
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:03 a.m. He led in the Pledge of Allegiance and gave the invocation. He noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedures for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

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Minutes

MOTION by Timothy Morris, SECONDED by Scott Blankenship to approve the July 9, 2007 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Gardner

MOTION CARRIED: 6-0

Discussion of Consent Agenda

Referring to the memorandum from Brian Sheahan in the backup material of the staff book, R. Wayne Bennett, AICP, Planning Director, stated that CUP#90/8/2-5, Joan O. Eastman/Barbara Dillman, has been withdrawn at the request of the owner of the property.

Chairman Bryan added that speaker cards had been submitted for CUP#07/8/1-5; therefore, it will be removed from the consent agenda and added to the regular agenda.

Consent Agenda – Voluntary Revocations

CUP#93/7/4-2 Allen and Susan Tobin	AGENDA NO.:	6
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MOTION by Timothy Morris, SECONDED by Phyllis Patten to recommend approval of the voluntary revocation of the Conditional Use Permits on the above consent agenda.

FOR: Morris, Blankenship, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Gardner

MOTION CARRIED: 6-0

CASE NO.:

PH#30-07-5

AGENDA NO.:

1

OWNER/APPLICANT:

Onsi Derias and Gehan Mekhiel

Karen Ginsberg, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor.

Referring to the five built or proposed professional office and medical buildings in the area of the subject site mentioned in the Summary of Analysis, Timothy Morris asked if these buildings were located in Lake County or in the Town of Lady Lake. Ms. Ginsberg replied that they are in Lady Lake or Sumter County. She showed the pictures from the staff report on the monitor. When Mr. Morris asked if these other complexes had CP zoning, Ms. Ginsberg replied that she could not say since they are not located in the County. She submitted a zoning map as County Exhibit A. In response to Mr. Morris, Ms. Ginsberg said there was a concern about substantial overlap, but that would not be a violation of the Comprehensive Plan.

Chairman Bryan confirmed that the staff's primary issue with this request was that it did not meet the location criteria. He stated that in the past, staff has typically said that if it is located within a quarter section of an intersection, it would meet the intent of the Land Development Regulations (LDRs). He asked if staff still considers location criteria in that way. If so, he asked if this property falls within a quarter section of an intersection. Ms. Ginsberg said it is on the line. When Chairman Bryan asked if Rolling Acres Road would qualify as an intersection, Ms. Ginsberg said it would. Mr. Morris noted the statement in the staff report regarding the possibility of the MPO considering reclassification of the road once construction is complete. He asked Ross Pluta, Engineer III, if the request would meet location criteria once the 2007/08 build out on the road is complete. Ms. Ginsberg reiterated that the criteria includes whether or not the request is at an intersection, not necessarily the road classification. Mr. Pluta agreed that the statement is correct. He added that Public Works had no comments on this site. Although this cannot be conditioned, he said the desire of Public Works for this project would be to widen the road with donation of right-of-way.

Robert Zahradnik, architect representing Onsi Derias on this project, submitted two zoning maps of the Town of Lady Lake as Applicant Exhibit A. He noted the CP zoning on both sides of this tract. As noted in the staff's findings, CR 466 at that location is referred to as an urban collector. However, about 1.5 miles west of this road, there is a four-lane road to the Villages. As staff mentioned, Public Works is already programming construction funds for 2007/08 to finish the four-laning over to US 27. Then the MPO could consider reclassifying the road to an arterial. He referred to Section B on page 3, which states that commercial development could be along an arterial at an appropriate distance from the intersection. He felt this was partly a question of timing. By the time his client completes all the necessary site plan approval processes, it will probably be well into 2008. As an architect, he would recommend against building a home on that property, knowing that the road will be four-laned in the near future. He felt the property should be zoned commercial.

Mr. Morris asked if the applicant would be required to connect to water and sewer at a later date. Mr. Zahradnik replied that may be required when it is available. There is water and sewer available, but it is a distance from the subject site. At the appropriate time, they will make the necessary provisions to connect to water and sewer. When Mr. Morris asked about annexation, Mr. Zahradnik said that is always an option. When they connect to the Town's water and sewer, they will probably also annex into the Town of Lady Lake. In response to Mr. Morris, Mr. Zahradnik said the applicant has spoken to the Town of Lady Lake, and he thought they were favorable because the site is next to existing commercial.

Chairman Bryan noted that no speaker cards had been submitted for this case.

Mr. Morris said he would tend to lean towards staff's recommendation as he felt staff has done enough research to make such a recommendation.

MOTION by Timothy Morris, SECONDED by Phyllis Patten to recommend denial of the request to rezone PH#30-07-5 from RA to CP to construct a building for professional offices and medical

CASE NO.: PH#30-07-5 **AGENDA NO.:** 1

OWNER/APPLICANT: Onsi Derias and Gehan Mekhiel **PAGE NO.:** 2

services

Chairman Bryan reiterated that in the past, staff has always considered the location criteria using the quarter section rule. He questioned if that policy has changed. He felt that may be the difference in staff's recommendation.

Mr. Bennett said it is his understanding that this has been a longstanding unwritten procedure on behalf of staff, but he was not aware of any interpretation supporting that by Carol Stricklin, Director of the Department of Growth Management. Therefore, he was reluctant to continue that unwritten procedure since the County is in the midst of completing a new Comprehensive Plan. He did not feel he could advise this Board that this is timely because it continues the march of non-residential development down the roadway to the west. As a staff member, Mr. Bennett said he was leery of continuing to support stripping out that road. Although four-laning is possible in the next few years, there is no guarantee that will happen. If this request were to be approved, he felt it would be better that it take place within the Town of Lady Lake with sewer and water and at the appropriate time that the road is four-laned. Mr. Bennett agreed with Scott Blankenship that the lack of central water and sewer was also a concern to staff. Utilities are a key consideration in this case.

FOR: Morris, Blankenship, Patten, Wells, Metz

AGAINST: Bryan

NOT PRESENT: Gardner

MOTION CARRIED: 5-1

CASE NO.:

CUP#07/8/1-5

AGENDA NO.:

2

APPLICANTS/OWNERS:

Paul and Marnie Lewis

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial and a picture of the posting as well as the conceptual plan and management plan from the staff report on the monitor.

Charles Feltman with the Custom Contracting Corporation was present to discuss the case. He noted that the applicants also operate a similar facility in Davie, Florida. He submitted as Applicant Exhibit A a board with an updated plot plan as requested in comments from the Development Review Staff (DRS) and a picture of the proposed facility. A copy of both sides of the board was later submitted for the file. He explained that the entrance road has been moved forward to allow for the curve in the road. They have also added a reinforced paved area for fire truck access. In addition, the location for the proposed septic system and drainfield is shown on the updated plan as well as the setbacks from the wetlands. He said this facility will be a high-end class resort.

From a noise issue standpoint, Mark Wells asked how the setbacks for this facility compare with the setbacks at the facility in Davie. He also asked if noise had ever been an issue in Davie.

Marnie Lewis stated that in Davie they have a 50-foot setback from neighbors. They have never had any complaints from neighbors. That facility sits in the middle of million dollar homes. She added that the dogs are not outside at night. This would be an indoor air-conditioned facility. After dinner the dogs are inside for safety reasons.

In response to Phyllis Patten, Ms. Lewis said surrounding properties at the Eustis site are a horse farm and house, two trailers and exotic animals, a horse barn, and another house with a long driveway. She said they are very well known in the Miami area and have been featured in many newspaper articles. The facility is designed to look like a bed and breakfast. The facility in Davie looks like a Mediterranean estate home.

Edward Fenninger, a neighbor across and up the road from the facility, asked if there would be a sign on the road for the facility. If at some time in the future the facility moves to another location or is sold, he asked if the property would revert back to the current zoning or stay commercial for a different business. Chairman Bryan said staff will answer that question.

Chairman Bryan said a speaker card had been submitted by Howard Bronstein, but he did not wish to speak.

Ms. Lewis submitted a copy of newspaper articles (Applicant Exhibit B) and a brochure from the facility in Davie (Applicant Exhibit C). She stated that there would be a sign; it would probably be a three-foot natural wood sign. The sign will meet all codes.

Mr. Hartenstein explained that a Conditional Use Permit (CUP) runs with the land and has specific uses for which it was approved. If the use is changed, it would be necessary to go back through the public hearing process.

MOTION by Phyllis Patten, SECONDED by Scott Blankenship to recommend approval of CUP#07/8/1-5 for a pet resort and spa (kennel) and caretaker's residence associated with the pet resort and spa.

CASE NO.: CUP#07/8/1-5 **AGENDA NO.:** 2

APPLICANTS/OWNERS: Paul and Marnie Lewis **PAGE NO.:** 2

FOR: Morris, Blankenship, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Gardner

MOTION CARRIED: 6-0

Chairman Bryan added that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases on August 28, 2007 when a final determination will be made.

CASE NO.: PH#23-07-1

AGENDA NO.: 3

OWNER: Develco, LLC
APPLICANT: Develco, LLC/John Parke III

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor and noted the letter of opposition received as an e-mail and included in the backup information. He also showed a picture of the posting on the monitor.

Phyllis Patten confirmed that staff is recommending approval based on central water and sewer being provided to the project. Mr. Hartenstein agreed that the development cannot move forward without central water and sewer.

There was no one present to represent the case.

Steve Richey was present to represent the Barley family and to present evidence in opposition. He noted that Greg Beliveau had submitted a speaker card, but Mr. Richey said he will be presenting Mr. Beliveau's evidence. Regarding the discussion of location criteria for commercial in PH#30-07-5, Mr. Richey said that evolved based on the fact that the "at" in "at an intersection" in the Comprehensive Plan is not defined. Therefore, the Board of County Commissioners (BCC) has established a distance from an intersection on a case-by-case basis. The quarter section rule that Chairman Bryan spoke of came from BCC votes on specific cases. He felt the subject case falls into that quagmire. He said there was one omission in the staff report that he found troubling. Historically since this Comprehensive Plan has been in effect, RP zoning has always had to meet location criteria for commercial. In addition, he pointed out that RP zoning is not a conditional zoning so if this property is rezoned to RP even with the proposed site plan for duplexes, it would open up all the uses permitted in the RP zoning district. Much of the property in the area is zoned Agriculture, which is the County's lowest density. This RP request would move the property to one of the highest residential zoning districts. Staff did not consider the commercial location criteria.

Greg Beliveau of LPG Regional Planners of Mount Dora said he was also present to represent the Barley family. Mr. Richey confirmed that Mr. Beliveau is an expert and has testified for Lake County as an expert witness on the Comprehensive Plan and Land Development Regulations (LDRs) under which Lake County is currently operating. In response to Mr. Richey, Chairman Bryan said he would accept Mr. Beliveau as an expert witness in this area. Mr. Richey submitted pages 3215 through 3217 of the LDRs as Opposition Exhibit A, noting those uses permitted in the RP zoning district. He felt the site is too small for some of these uses. He said the most troublesome uses are those listed on the second page especially those dealing with medical and professional uses on the commercial side. On the residential side, he had concerns about the two-family residential and the bed and breakfast uses. Mr. Richey confirmed with Mr. Beliveau that if this rezoning is granted, the density would not be restricted to the density on a site plan. Mr. Beliveau said he concurred with staff that the point analysis is accurate. Mr. Richey added that the point analysis provides for a potential density; it may or may not be compatible based on the Comprehensive Plan. Mr. Richey submitted an existing use map (Opposition Exhibit B), current area zoning category map (Opposition Exhibit C) and a fact sheet (Opposition Exhibit D) showing an existing use analysis with estimated lot densities for the study area. He noted that the area is more single family in nature than duplex in nature. He said the issue is not density; it is a compatibility of use issue. He also submitted a closest RP zoning map as Opposition Exhibit E and a closest commercial zoning map as Opposition Exhibit F. Mr. Richey showed pictures of the single-family residential units in the area on the monitor and submitted them as Opposition Exhibit G. He added that the locations of these houses are listed on the back of each picture.

In response to Ms. Patten, Mr. Richey said the duplexes with the density proposed are not compatible with the existing houses and other development. The smallest lot in the area is one-half acre; most lots are two acres. From the commercial side, it is not compatible because approval of this rezoning would open the property to many uses that are not single-family uses.

Timothy Morris was informed by Mr. Richey that his client lives across the street from the subject property.

CASE NO.: PH#23-07-1

AGENDA NO.: 3

OWNER: Develco, LLC

PAGE NO.: 2

APPLICANT: Develco, LLC/John Parke III

Richard Rood, a resident on Spring Lake Road, said this request is not conducive to the area; and he would appreciate this Board not recommending approval of it.

Steve Barley said he owns property across the pond from the subject property consisting of two houses on 14 acres. He spoke of the other houses in the area, noting that the average lot size is two acres. There is no right-of-way on the road, and no central water or sewer.

Mr. Morris said he had a concern with placing duplexes in an area of single-family homes.

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend denial of PH#23-07-1 to allow duplexes.

FOR: Morris, Blankenship, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Gardner

MOTION CARRIED: 6-0

CASE NO.: PH#50-06-2

AGENDA NO.: 4

OWNERS: Clonts Grove, Inc.
APPLICANT: Cecelia Bonifay, Esq., Akerman & Senterfitt

Rick Hartenstein, Senior Planner, noted the letter received from Cecelia Bonifay of Akerman & Senterfitt on July 24 requesting a 60-day continuance until the October 3, 2007 Lake County Zoning Board public hearing in order to work with County staff.

Wayne Bennett, Planning Director, said County staff has been working with the applicant on this project for a long time. Staff had a meeting with the applicant and the applicant's consultants recently where he thought they had reached a "meeting of the minds" with regard to what the applicant may do with their master plan to address staff's concerns that were raised at the meeting and prior to the meeting. However, there appears to have been some confusion with the participants so there has been limited progress in addressing staff's comments. At this time, staff is unsure of the applicant's intention. Staff would like to either deal with this in terms of the staff's recommendation for denial by bringing it to this Board or request that the applicant acknowledge some definitive plan to move forward on a timely basis to make what staff feels would be improvements to the application. He could not say that those improvements would change the staff's recommendation for denial, but at least it would be a move in the right direction. If changes are not made, staff would prefer to move ahead with their recommendation of denial. If a definitive plan will be submitted and the applicant is willing to commit to that, then staff can support the continuance request.

When Timothy Morris asked what legal options this Board has, Melanie Marsh, Deputy County Attorney, said this Board can approve the continuance request or deny the continuance request and hear the case at this time.

Cecelia Bonifay of Akerman & Senterfitt was present to represent the case. Regarding the meeting noted above, she said she did not realize there had been miscommunication with staff. After the June public hearing, it took them almost 30 days to set a date when all parties would be available. At that time, the staff recommendation, Comprehensive Plan issues, and concurrency deferral were discussed. She said she is requesting a 60-day continuance as she will be out of town the first two weeks of September, and her client wants her to be in town to handle the case. She has instructed the consultants that revised plans are to be submitted to the County within the next two weeks so there will be time to hold additional meetings, if necessary, in order to come before this Board in October. This will be the last continuance request by the applicant. Her consultant team is under the directive to either perform or someone else will be taking over that function. Chairman Bryan confirmed with Ms. Bonifay that she has a definitive plan to move forward. She said they are working toward a revised development plan for this site, which would have lower densities and intensities. In response to Mr. Morris, Ms. Bonifay said she is not prepared to represent her client today; she has no revised plan or new transportation data.

Phyllis Patten said she had no problem with granting this 60-day continuance as long as it will be heard in October.

MOTION by Scott Blankenship, SECONDED by Mark Wells to continue PH#50-06-2 until the October 3, 2007 Lake County Zoning Board public hearing with the condition requested by Wayne Bennett that the applicant will move forward in a timely and definitive manner and be prepared for a full hearing of this case on October 3, 2007.

CASE NO.: PH#50-06-2

AGENDA NO.: 4

OWNERS: Clonts Grove, Inc.
APPLICANT: Cecelia Bonifay, Esq., Akerman &
Senterfitt

PAGE NO.: 2

FOR: Blankenship, Patten, Bryan, Wells, Metz

AGAINST: Morris

NOT PRESENT: Gardner

MOTION CARRIED: 5-1

Mr. Morris pointed out that he was the one who made the motion for a 60-day continuance at the June public hearing when this was supposed to be done.

Mr. Bennett said staff feels comfortable that when Ms. Bonifay says she has been direct with her team, that is what she means.

CASE NO.:

PH#7-07-4

AGENDA NO.:

5

OWNER/APPLICANT:

**Eagle Dunes II, LLC
John Gray, Jr.**

Wayne Bennett, Planning Director, presented the case and submitted a memorandum (County Exhibit A) written to Chairman Bryan from Mr. Bennett requesting a 30-day continuance.

Rick Hartenstein, Senior Planner, distributed three maps and submitted them as County Exhibit B. He also submitted a single map as County Exhibit C.

Mr. Bennett discussed the definition and the legal description of the definition of the Urban Compact Node as noted in the Comprehensive Plan. On the future land use map, there is a definition of the Urban Compact Node that is different. This has a significant effect on the applicant as there are differing definitions of where the Urban Compact Node is located. He referred to the table in County Exhibit A, which indicates what effect this finding would have on this application. It substantially changes what the potential density on this property could be. Staff needs to find a resolution to the competing definitions as the text says one thing and the map says another. Staff is requesting a continuance so further research can be done since this discrepancy was found within the past few days.

Mr. Bennett added that this is the second time that a similar application has been submitted. The first application was acted upon by this Board, but it was withdrawn before a decision was made by the Board of County Commissioners (BCC). Since he came to the County in June of last year, he was not aware of this issue being discussed. Staff would like to meet with the County Attorney's office to discuss the implications of this finding before proceeding further with this application.

When Scott Blankenship asked if 30 days would be ample time for review, Mr. Bennett said he felt that the County owes it to the applicant to do this as quickly as possible.

In response to Chairman Bryan, Mr. Bennett said staff will be using the 30 days to determine whether the text or map takes precedence in this particular case; this will probably be a legal issue. When Chairman Bryan asked if this has been discussed with the applicant, Mr. Bennett said the applicant is not happy with the Comprehensive Plan legal or the 30-day continuance. Chairman Bryan asked why this caused the density points to drop so significantly because of the 40 acres. Mr. Hartenstein said that in conducting the points analysis from the intersection, this property was right at the edge of that half mile. By moving that, it made a significant difference. If it is determined that the 40 acres is in the Rural future land use designation, the Urban Area density point calculations for that part would not apply. It specifically states in the text of the Comprehensive Plan that in the Urban Compact Node, Non-Wekiva, the Urban Residential criteria should be utilized. If the 40 acres is not in the Urban Compact Node, that could not apply.

Chairman Bryan agreed that there could be some very significant implications, and it would be wise to look into this before proceeding.

Cecelia Bonifay with Akerman & Senterfitt, representing the applicant, said they do not agree with the 30-day continuance. She noted that the consultant team and the applicant were in the audience and ready to go forward. She acknowledged that a slightly modified application was before this Board previously. This application and property have been pending in Lake County since 2005. This issue with this piece of the property came up in 2005, and it was researched, reviewed, and determined that all 160 acres was in the Urban Compact Node, Non-Wekiva. Based on that, the application went forward. When it came before this Board, it received a recommendation of approval. The entire 160 acres also went before the BCC, but it was withdrawn due to a difference between what the applicant wanted and the BCC wanted at that time. She added that this map has been in existence since 1985 with the land uses added to the map in 1991.

Ms. Bonifay said this application was submitted in October of 2006. It has gone through a number of sufficiency reviews and requests for additional information. It was not until July 30, two days ago that they

CASE NO.:	PH#7-07-4	AGENDA NO.:	5
OWNER/APPLICANT:	Eagle Dunes II, LLC John Gray, Jr.	PAGE NO.:	2

were informed of this issue. She said they do not agree with Mr. Hartenstein's assessment for the application of the density point rating system. The applicant feels this is one more delay, one more opportunity to try to derail this project. Therefore, they do not support the request for a continuance. She submitted a map (Applicant Exhibit A) that had been submitted previously and relied upon.

Since the staff recommendation is for denial, Timothy Morris questioned why 30 days would be a problem if it would allow time to work this out. Ms. Bonifay said that was her client's directive.

In fairness, Phyllis Patten said she is willing to grant staff their request.

In response to Chairman Bryan, Melanie Marsh, Deputy County Attorney, said the County Attorney's office was just notified of this on July 30 so they have not had sufficient time to determine whether the future land use map takes precedence over the Comprehensive Plan. She was not aware of the issue as it came up in 2005.

Mr. Morris was informed by Mr. Bennett that the discrepancy was found by staff. He explained that the future land use map was not a parcel-based map when it was started. There are interpretations involved when moving from the Comprehensive Plan language to the physical boundaries. This is a circumstance where the legal description that is in the Plan apparently did not get transferred to the map in an appropriate fashion.

Chairman Bryan said he did not like having a hearing when this Board does not have all the information needed. That is why he is leaning toward the 30-day continuance. However, if it is found that the 40 acres are not in the Urban Compact Node, it will take a lot of convincing for him to accept the point density dropping so much. He understood why the applicant wants this case to be heard at this public hearing, but he felt the Board needs to have all the information before them.

John Gray, owner of the property, reiterated that his attorney cannot be at the public hearing in 30 days. This process has been going on for two years. They have never had an acceptable recommendation from staff. Previously when they came before this Board, there was a group of people who spoke about a laundry list of things they wanted done; he has done every one of them. He said the communication between he and the staff has been virtually nonexistent.

Ms. Patten said she understood his frustration; but when a person enters into a project of this size, there are no guarantees. The position of this Board should be that it must make sure that whatever the Board does, it should be in the best interest of Lake County.

Mr. Morris suggested a 60-day continuance. Chairman Bryan asked if there were any legal ramifications about hearing or not hearing the case at this public hearing with the information that has just been presented. Ms. Marsh felt the legal ramification would be the number of units.

Mr. Gray stated that this property is the best place to put residential in the area. He is willing to work with staff and this Board on the density issue.

Chairman Bryan asked if staff looks at the GIS map or text when reviewing applications and making recommendations. Mr. Bennett said it is rare that there is a legal description for a specific area for individual land uses in the Comprehensive Plan. That is usually part of the process of drawing the Comprehensive Plan map. In this particular case, there is a specific legal description; and it is different from the map. If this case goes forward without a determination on the County's part, it could be a flaw in the process.

CASE NO.: PH#7-07-4 **AGENDA NO.:** 5
OWNER/APPLICANT: Eagle Dunes II, LLC **PAGE NO.:** 3
John Gray, Jr.

In response to Chairman Bryan, Mr. Bennett said staff is prepared to discuss the case if this Board should decide to proceed.

Mr. Gray asked if it would be possible to hold a special meeting either before the 30-day period or after that period when Ms. Bonifay would be available. Chairman Bryan said he would like to accommodate the applicant in a reasonable way, but not to the extent that the Zoning Board would be relying on bad information. He would be open to a special meeting. Ms. Patten agreed. Mr. Gray said Ms. Bonifay would be available after September 14.

There was a ten-minute recess so the staff could check into when the BCC Chambers would be available for a special meeting.

When the public hearing reconvened, Ms. Marsh named the dates when the special meeting could be held. It was determined that the preferred date would be Friday, September 21 from 9 a.m. to noon.

Chairman Bryan noted that a speaker card had been submitted by Leslie Garvis. He explained to Ms. Garvis that the discussion has been limited to the continuance; but she could speak on that issue if she would like to. She declined to speak at this time.

MOTION by Timothy Morris, SECONDED by Phyllis Patten to grant the staff's request for a continuance and to set a special public hearing to hear this case only (PH#7-07-4) on Friday, September 21, 2007 at 9 a.m.

FOR: Morris, Blankenship, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Gardner

MOTION CARRIED: 6-0

Adjournment

There being no further business, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman